

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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AGA Medical Corp.,

Plaintiff,

No. 0:10-cv-03734-JNE-JSM

v.

W. L. Gore & Associates, Inc.,

Defendant.

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**REPLY DECLARATION OF DENNIS C. BREMER**

I, Dennis C. Bremer, hereby declare as follows:

1. I am an attorney with the law firm of Carlson, Caspers, Vandenburgh & Lindquist (“CCVL”), and representing AGA Medical Corporation (“AGA Medical”) and (“AGA Medical Holdings”) (collectively, “AGA”) in connection with the following two cases between AGA and W.L. Gore & Associates, Inc. (“Gore”): AGA Medical Corp. v. W.L. Gore & Assocs., Inc., Civ. No. 0:10-cv-3734 (JNE/JSM) (D. Minn.; filed August 24, 2010) (“Minnesota Action”) and W.L. Gore & Assocs., Inc. v. AGA Medical Corp. et al., Civ. No. 1:11-CV-00539-JBS-KW (D. Del.; filed June 16, 2011) (“Gore Delaware DJ Action”). This declaration is made on my own personal knowledge, except as otherwise indicated.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Court’s FORM 4 – Rule 26(f) Report (Patent Cases).

3. Attached hereto as Exhibit 2 is a true and correct copy of a Declaration of R.J. Zayed dated July 12, 2011.

4. Attached hereto as Exhibit 3 is a true and correct copy of Defendant Gore's First Set of Requests for Production of Documents and Things to Plaintiff AGA dated November 18, 2010.

5. Attached hereto as Exhibit 4 is a true and correct copy of Defendant W.L. Gore & Associates, Inc.'s First Notice of Rule 30(b)(6) Deposition of AGA Medical Corp. (Topic Nos. 1-9).

6. Attached hereto as Exhibit 5 is a true and correct copy of Defendant W.L. Gore & Associates, Inc.'s Second Notice of Rule 30(b)(6) Deposition of AGA Medical Corp. (Topic Nos. 10-20).

7. Attached hereto as Exhibit 6 is a true and correct copy of Defendant AGA Medical Corp.'s and AGA Medical Holdings, Inc.'s Motion to Dismiss or for Change of Venue.

8. Attached hereto as Exhibit 7 is a true and correct copy of Defendant AGA Medical Corp.'s and AGA Medical Holdings, Inc.'s Opening Brief in Support of Their Motion to Dismiss or for Change of Venue.

9. With respect to Gore's allegation of receiving a CE mark on June 10, 2011 (Gore Delaware DJ Action Complaint ¶ 28), Gore has not provided AGA Medical or the undersigned with a copy or other proof of such CE mark being granted on that date. Attached hereto as Exhibit 8 is a true and correct copy of a recent email string between me and Gore's counsel, which includes a copy of a photograph of a slide presented almost two weeks after Gore filed the DJ Action Complaint that stated the Gore® Septal Occluder "is not CE Marked" and that the "CE Mark [is] pending." I reviewed Gore's

website and links thereon (including the Gore website's "Europe" link and links accessible thereon) after receiving a copy of the Gore Delaware DJ Action Complaint and did not find any reference to the Septal Occluder that is the subject of Gore's Delaware DJ Action Complaint or to Gore receiving any CE mark for such occluder. I did find references to different Gore products receiving CE Marks. As of both July 6, 2011, and today, the GORE® Septal Occluder is not listed on the Gore European products page (<http://www.goremedical.com/eu/productsa-z/>).

10. No hearing will be scheduled in the Delaware DJ Action until all briefs have been filed. Presently, all briefing should conclude in August 2011. It is my understanding that, based on the Delaware Court's current calendar, a hearing likely will not be set prior to the September/October time frame. The ruling may be as late as a few months thereafter.

11. Attached hereto as Exhibit 9 is a true and correct copy of the Declaration of Luciana Soares.

Dated: July 15, 2011

s/ Dennis C. Bremer  
Dennis C. Bremer